




September 3, 2021

By separate order, this case is referred to Magistrate Judge Fox for general pretrial purposes. Judge Fox will address this motion, and any other matters regarding discovery.

VIA ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

SO ORDERED.


Hon. Ronnie Abrams
9/7/21

Re: *Pauwels v. The Bank of New York Mellon Corp.*, No. 19-CV-02313

Dear Judge Abrams,

Pursuant to Rule 1.D of the Court's Individual Rules and Practices in Civil Cases, Plaintiff submits this letter motion to request an adjournment of the date to take all depositions in this case.

According to the Scheduling Order, dated April 26, 2021 [Dkt. 84], "[d]epositions shall be completed by September 10, 2021." Given the current state of discovery in this matter, Plaintiff writes to request that this date be adjourned and extended to October 8, 2021 (the end-date for all discovery). Specifically: The parties exchanged requests for production and interrogatories as directed by the Scheduling Order in May 2021. Each party then responded and objected, as necessary, in June 2021. Since then, Defendants have not produced any documents; Plaintiff has not produced any materials either as a result. Because there have been no document productions, Plaintiff has not scheduled any depositions despite the September 10, 2021 deadline approaching.

Plaintiff requested that the deposition deadline be extended through the end of discovery, October 8, 2021, to allow the parties to produce and review materials and take a limited number of depositions—Plaintiff anticipates taking a maximum of two depositions. Defendants denied that request and sought to hold Plaintiff to the deadline in the Scheduling Order. Plaintiff now files this letter motion with the Court.

An extension of the deposition deadline in this matter will not affect any other deadlines in this case since all discovery will still conclude by the existing October 8 deadline, meaning, too, that no party will be prejudiced by this short extension. Furthermore, neither party is expected to require expert testimony, which ensures that this period of time can be devoted to taking a very limited number of depositions, which is all that Plaintiff requires.

Additionally, Plaintiff requests a corresponding adjournment of the September 10, 2021 post-discovery conference to October 8, 2021.

This is the first request to adjourn either date that either party has filed. I thank Your Honor for your attention to this matter.

Respectfully Submitted,

/s/ Joshua I. Schiller
Joshua I. Schiller
Counsel for Plaintiff André Pauwels